

Rev 09/03

Application No.: 10/009,431  
Filed: February 13, 2002  
TC Art Unit: 1636  
Confirmation No.: 2347

SPJ

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Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 2327  
Alexandria, VA 22202

Date: November 1, 2004

Attorney  
Docket No.: MBP-007XX

Sir:

In re application of: Klaus Unsicker et al.

Entitled: NEUROPROTECTIVE PROPERTIES OF GDF-15, A NOVEL MEMBER OF THE TGF- $\beta$  SUPERFAMILY

Transmitted herewith is an **preliminary amendment** in the above-identified application. The following checked items are applicable:

- ☐ A Petition for Extension of Time for \_ month is hereby made under §1.136(a); a check in the amount of \$\_\_\_\_\_ is enclosed per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☒ Other: Sequence Submission Letter including, Paper Copy, CRF Disk of Sequence Listing and copy of Notice to Comply with Requirements for applications containing Nucleotide Sequences.

| CLAIMS AFTER AMENDMENT:   | MINUS PRIOR PAID CLAIMS: | EQUALS PRESENT EXTRA CLAIMS: | RATE:        | ADDITIONAL FEE: |
|---|--------------------------|------------------------------|--------------|-----------------|
| Independent   | 2 - 3                    | = -0-                        | x \$84.00 =  | -0-             |
| Total   | 26 - 26                  | = -0-                        | x \$18.00 =  | -0-             |
| [ ] Multiple Dependent Claims (1st presentation)                        |                          |                              | + \$280.00 = | -0-             |
| SUBTOTAL ADDITIONAL FEE   |                          |                              |              | -0-             |
| Small Entity filing, divide by 2. Small Entity status must be asserted. |                          |                              |              | -0-             |
| TOTAL ADDITIONAL FEE  |                          |                              |              | -0-             |

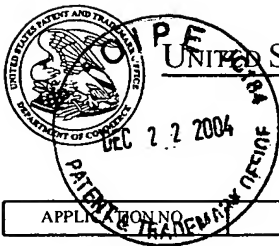
☒ No additional fee. ☐ The fee has been calculated above; a check in the amount of \_\_\_\_\_ is enclosed.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Sequence, Commissioner for Patents, P.O. Box 2327, Alexandria, VA 22202 on Nov. 1, 2004.

SUBMIT IN TRIPLICATE  
HCH/raw 313095-1

Holliday C. Heine  
Attorney of Record: Holliday C. Heine, Ph.D.  
Registration No.: 34,346



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/009,431      | 02/13/2002  | Klaus Unsicker       | MBP-007 XX          | 2347             |

207 7590 10/01/2004

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

EXAMINER

LEFFERS JR, GERALD G

ART UNIT PAPER NUMBER

1636

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

BY:                      RECEIVED  
OCT 04 2004  
WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEOVICI LLP



## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
|---------------------------------|-------------|---|---------------------|

## EXAMINER

Gerald G. Leffers Jr.

| ART UNIT | PAPER |
|----------|-------|
|----------|-------|

1636

20040907

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.


APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald G Leffers Jr., PhD whose telephone number is (571) 272-0772. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached on (571) 272-0781. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gerald G Leffers Jr., PhD  
Primary Examiner  
Art Unit 1636ggl

  
GERRY LEFFERS  
PRIMARY EXAMINER

## Notice to Comply

Application No.

10/009,431

Examiner

Gerald G. Leffers Jr.

Applicant(s)

UNSICKER ET AL.

Art Unit

1636

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Nucleic acid sequences are present in the Figures (i.e. Figures 7-8) and amino acid sequences are present on page 9. These sequences lack sequence identifiers and are not present in a sequence listing for this application.

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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